

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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DANIEL VAN LINN,

Plaintiff,

v.

Case No. 22-C-434

OCONTO COUNTY and  
NICHOLAS SCHOOL,

Defendants.

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**ORDER DENYING MOTION TO FILE SUR-REPLY**

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Van Linn moves to file a sur-reply brief in opposition to Defendants' motion for summary judgment in the above case. The facts and background can be taken from the court's decision granting Defendants' motion for summary judgment and denying Plaintiff's motion for partial summary judgment that is filed herewith. The proposed sur-reply addresses a provision of Wisconsin law that governs the admissibility of blood tests to show alcohol concentration with or without an expert witness. Wis. Stat. § 885.235(1g). Defendants oppose Van Linn's motion on the ground that § 885.235(1g) was cited by Van Linn in his brief in opposition to Defendants' motion for summary judgment and he could have addressed the applicability of that section to the facts of this case either there or in his reply filed in support of his own motion for partial summary judgment.

The motion will be denied. The statute was cited previously, the court is already familiar with the statute, and the parties have already filed a total of six briefs (three each) addressing two

sides of the same issue. No further briefing is needed to support Van Linn's position or to complete the record. Accordingly, Van Linn's motion to file a sur-reply (Dkt. No. 33) is **DENIED**.

**SO ORDERED** at Green Bay, Wisconsin this 7th day of April, 2023.

s/ William C. Griesbach  
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William C. Griesbach  
United States District Judge